IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 4299 of 2004

Between:

V.Pundarikachari, S/o.V.Muniratnam Achari, Deputy M.R.O.,Sodum Mandal, Chittoor Dist.

..... PETITIONER

AND

1 The Commissioner of Land Revenue, Govt.of A.P.,Nampally, Hyderabad.
2 The Dist.Collector, Chittoor Dist.517001.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of certiorari call for records leading upto inclusive of the orders dated 29-01-2004 in O.A.No.1748/1998 passed by Hon'ble Andhra Pradesh Administrative Tribunal and quash the same as illegal, arbitrary and consequently hold that the petitioner cannot be proceeded with any disciplinary enquiry in consequence of charge memo No.A5/7683/94, dated 21-7-1995, by further quashing the Charge memo. No.A5/7683/94, dated 21-7-1995 and the provisional conclusion order in Roc.A5/7683/94, dated 16-8-1997.

Counsel for the Petitioner: MR.T.V.S.KUMAR

Counsel for the Respondent No.1: G.P. FOR REVENUE.

Counsel for the Respondent No.2: GP FOR SERVICES II

The Court made the following at the admission stage:

ORAL ORDER: (By GB.J.)

The Writ Petition is filed challenging the order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.1748 of 1998, dated 29.1.2004.

The petitioner before the Tribunal challenged the show cause notice of reversion and the same was disposed of by the Tribunal directing the petitioner to file explanation to the show cause notice and the same shall be considered and disposed of according to law. Against the said order, the present Writ Petition has been filed.

We have heard the learned counsel for the petitioner.

This Court passed the following interim order on 9.3.2004, pending disposal of the Writ Petition:

"The Counsel for petitioner submits that he has already filed reply to the notice dated 16.8.1997. That notice was however challenged by him before the Tribunal as being contrary to law. He submits that the inquiry was conducted by the disciplinary authority himself without affording any opportunity to him to controvert the charges. Even the charges were not proved, no evidence was led. The District Collector, Chittoor himself framed charges on the basis of material, which was not shown to the petitioner and decided the matter on the basis of explanation furnished by the petitioner.

Since a reply has already been filed by the petitioner to the show cause notice, we do not want to comment at this stage, about the legality of the inquiry conducted. But we direct the District Collector, Chittoor to dispose of the matter after considering the explanation offered by the petitioner. This Writ Petition shall remain pending till an order is passed by the Collector. After the matter is decided by the Collector, the petitioner, if still aggrieved, has liberty to mention".

The grievance of the petitioner is that so far no order has been passed by the Collector and therefore appropriate directions may be issued in that regard.

We have heard the learned Government Pleader for Services-II and the learned Government Pleader for Revenue in this regard.

Inasmuch as the petitioner has already submitted the explanation, the appropriate authority shall pass the final order within a period of two weeks from today, if not already passed.

With the direction indicated above, the Writ Petition is disposed of. No costs.

(G.BIKSHAPATHY, J.)

10th December, 2004.

(P.S.NARAYANA, J.)

SSR

To

1 The Commissioner of Land Revenue, Govt.of A.P.,Nampally, Hyderabad.
2 The Dist.Collector, Chittoor Dist.517001.

3 The Registrar, A.P. Administrative Tribunal, Hyderabad. (with records)

4 2 CCs to G.P. for Revenue, High Court of A.P. Hyderabad. (OUT)

5 2 CCs to G.P. for Services-II, High Court of A.P. Hyderabad. (OUT)

6 2CD copies.